

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Bluefield**

JAMIE S. JUSTICE,

Plaintiff,

v.

**Civil Action No. 1:17-cv-03967
Honorable David A. Faber**

**RALPH W. JUSTUS,
JAROD A. TUPPER, and
JOHN DOE, individually as members of
the West Virginia State Police,**

Defendants.

MOTION TO AMEND COMPLAINT

COMES NOW the Plaintiff, Jamie S. Justice, by counsel, Eric J. Buckner and Katz, Kantor, Stonestreet & Buckner, PLLC, and brings forth this Motion to Amend his Complaint pursuant to the Honorable Court's December 20, 2017 Scheduling Order. (Doc. 20). This Scheduling Order provides that “[t]he amendment of any pleading and the joinder of any party shall be completed no later than April 2, 2018. Pursuant to this Scheduling Order, Plaintiff seeks to amend his Complaint to name the actual names of the John Doe supervisors that were not named in the original Complaint by their legal name. At the time of filing the Plaintiff's original Complaint, Plaintiff was unaware of Defendants, Ralph W. Justus and Jarod A. Tupper's supervisors' names. As a result, Plaintiff names these supervisors as "John Doe." Plaintiff recently learned through discovery that Chris Kane and Robert Daniel were the actual names of Defendants' supervisors. For these reasons, Plaintiff hereby moves this Honorable Court for leave to file the Amended Complaint attached hereto as Exhibit 1.

JAMIE S. JUSTICE

By Counsel

/s/Eric J. Buckner

Eric J. Buckner
WV State Bare No. 9578
Russell A. Williams
WV State Bar No. 12710
Katz, Kantor, Stonestreet & Buckner, PLLC
112 Capitol Street
Charleston, WV 25301
(304) 431-4053

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
At Bluefield

JAMIE S. JUSTICE,

Plaintiff,

v.

Civil Action No. 1:17-cv-03967
Honorable David A. Faber

RALPH W. JUSTUS,
JAROD A. TUPPER, and
JOHN DOE, individually as members of
the West Virginia State Police,

Defendants.

CERTIFICATE OF SERVICE

I, Eric J. Buckner, do hereby certify that on this the 2nd day of April, 2018, I electronically filed the foregoing ***Motion to Amend Complaint*** through the ECF system to the following:

Michael D. Mullins
Colton Parsons
Steptoe & Johnson
P. O. Box 1588
Charleston, West Virginia 25326-1588
Counsel for Defendant Ralph Justus

Gary E. Pullin
Wendy E. Greve
Pullin, Fowler, Flanagan, Brown & Poe PLLC
James Mark Building
901 Quarrier Street
Charleston, West Virginia 25301
Counsel for Defendant Jarod A. Tupper

/s/Eric J. Buckner

Eric J. Buckner, WVS 9578